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Marietta attorney appointed to judgeship

Staff photo by Michael Glennon

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Governor taps Tain Kell as 10th Cobb Superior Court judge

By Jon Gillooly
Marietta Daily Journal Staff Writer,

MARIETTA — Gov. Sonny Perdue Tuesday announced the appointment of Carlton LaTain “Tain” Kell Sr. as the 10th Superior Court judge of the Cobb Judicial Circuit. The appointment becomes effective Jan. 1. The Georgia General Assembly added the position this year through House Bill 118. “It’s definitely an honor,” said Kell, a member of the Marietta firm Brock, Clay, Calhoun & Rogers since 2000. Cobb’s courthouse community greeted the news with cheers. “We are all very pleased that Tain Kell is our new Superior Court judge, and we look forward to giving him a lot of work when he gets on board,” Cobb Superior Court Chief Judge S. Lark Ingram said. Judge Ingram thanked Cobb’s legislative delegation and Superior Court Judge Jim Bodiford for their efforts to secure a 10th judgeship for Cobb. He’s outstanding. He’s just a professional — smart — and I’m really looking forward to working with him,” Cobb Superior Court Judge Adele Grubbs said. Kell, 45, is the son of the late Carlton “Corky” Kell, the beloved Wheeler High School football coach, district athletic director and namesake of Kell High School, and Carole Kell, a retired Dickerson Middle School principal who the Cobb Chamber of Commerce named East Cobb Citizen of the Year in December.



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Kell credited his parents for teaching him the honor found in public service. "It's something I've thought about for along time," said Kell, who is in his 20th year practicing law. A graduate of the University of Georgia School of Law, Kell spent 10 years with the state Department of Transportation as an assistant attorney general before joining Brock Clay, where he specializes in civil litigation and transportation. Among his more famous cases is when he represented the Cobb Board of Education in 2005, arguing for then-Superintendent Joe Redden's \$100.8 million laptop program. In that case Kell squared off against former Gov. Roy Barnes, who represented former Cobb Commissioner Butch Thompson. Kell lost the case when Judge Ingram ruled against the school board, and he lost again when the school board appealed to the Georgia Supreme Court, which upheld Judge Ingram's ruling. "God help us," chuckled former state Sen. Chuck Clay, a senior partner in Brock Clay Calhoun & Rogers, on being asked to comment about Kell's appointment. "Obviously, we're more than a little proud to have one of our own selected by the governor, but we can take no credit. He has a wonderful judge's temperament. He's fair and patient and yet firm and knowledgeable," Clay said of Kell. Kell learned of the news Tuesday while arguing a case before the state Supreme Court. During a break, he checked his cell phone to hear a message from Perdue's office, asking him to call. Kell rang up Perdue, who told him he wanted to appoint Kell to the position. "I readily accepted," Kell said. One of the things Perdue told Kell was how difficult it was to make the selection with the high quality found among members of the Cobb Bar Association, Kell said. "We are the best bar association of any place I've practiced," Kell said. Kell said he learned of the opening when the Judicial Nominating Committee, headed by former state Attorney General Michael Bowers, announced it was seeking candidates over the summer. The commission received about 40 names. Dozens of Cobb attorneys and judges had been either nominated by someone or applied for the judgeship. Mike Hobbs, a former colleague from his days with the state attorney general's office, nominated Kell. He filled out a 10-page application and was interviewed by the committee, which included him on a short list of five candidates presented to Perdue. Perdue then interviewed the five candidates, before settling on him, Kell said. "We're going to welcome him with open arms," Judge Bodiford said of Kell. A member of the Cobb Chamber of Commerce's Board of Directors, Kell and his wife, Sheri, have a 6-year-old son named Carlton. The last time a Superior Court judgeship was added to the Cobb Judicial Circuit was in 2000 when former Gov. Roy Barnes appointed Robert Flournoy III to the court.